

# McCormicks Briefing

Christmas 2023



**Are you liable?**  
**More recognition**  
**Young Achievers**



**McCormicks**  
SOLICITORS

**It is difficult to believe that we have already reached the season when it is time to reflect on another year over and look forward to a New Year.**

# Seasons greetings

The world continues to face some difficult situations, not least in Israel and Ukraine, but work to resolve these continues apace as I write. The economy remains challenging for many, but we can but hope for continued progress in bringing inflation down.

At McCormicks, we have had a busy and productive year and I hope you can all say the same.

We have recruited some serious talent in the past 12 months and in the New Year we will have yet more positive news to share. We have had more excellent recommendations in the leading legal guides, about which you can read more in these pages, and have won a number of awards.

Both sport and the arts have been on our agenda again and we are enjoying the current

success of our friends at Leeds United in the Championship – long may it continue! We are also cheering on Harrogate Town, as they continue their League 2 campaign. We have also continued to support Harrogate International Festivals and the annual Crime Writing Festival in July was yet another triumph.

We recently celebrated the 29th anniversary of the Yorkshire Young Achievers Awards, also featured in this issue. We welcomed more than 350 guests to hear the stories of our outstanding winners, all of whom were very deserving of recognition.

We have continued our grants programme this year and neither this nor the Awards themselves would be possible without the generous support of our sponsors, for which I offer them all my heartfelt thanks.

Next year will be the 30th anniversary of the event which has been sponsored by McCormicks since its very beginning and I urge you to make sure the date – Thursday 14 November 2024 – is in your diaries as we would love to see you there to help us celebrate.

I wish you all a merry Christmas and a happy, healthy and successful New Year!

Peter McCormick OBE



Peter McCormick OBE

# More recognition

The firm is ranked for its expertise in Sport law and Agriculture and Rural Affairs in the latest edition of Chambers UK.

Senior Partner Peter McCormick OBE is also listed as an Eminent Practitioner in both disciplines.

McCormicks is recognised UK-wide for Sport law and in Yorkshire for Agriculture and Rural Affairs.

The rankings follow recognition for the Head of Private Client, Partner Elaine Lightfoot, in the Chambers High Net Worth guide earlier this year.

**What the guide says:**

**Sport**

“McCormicks houses a notable sporting practice that provides expertise in a range of matters including contentious and non-contentious football work, continuing to be a principal adviser to the Premier League as well as being involved in grassroots football development. It advises on a broad range of corporate and commercial issues, including sponsorship, governance issues and insolvency. Continued recent activity in shooting, advising shoot proprietors on regulatory and

employment matters.

“McCormicks continued to advise The Premier League on all aspects of its Owners and Directors Test, recently involving the acquisitions of Crystal Palace, Burnley, Southampton and Newcastle United.

“Peter McCormick remains at the forefront of sports law, with market-leading expertise in commercial and regulatory football work. ‘Peter knows everything there is to know about football. He is a leading individual in the field.’ ‘The godfather of football.’ ‘He’s an outstanding lawyer with

a good commercial focus’.”

**Agriculture and Rural Affairs**

“McCormicks is a well-regarded agricultural practice based in Harrogate, providing clients with rural property and tax planning services. It acts for a number of large landed estates on a wide range of matters, including acquisition, disposal, voluntary registration, residential property development and diversification. The group also represents clients on disputes and on matters relating to shooting estates.

“Peter McCormick advises rural clients on estate planning, lease negotiations and shooting rights. ‘I’ve never met anyone quite like him in this legal profession. Everything has been done quickly and professionally’.”



Peter McCormick OBE

The Head of our Corporate and Commercial Department, James Towler, has been named Corporate Lawyer of the Year 2023 (Northern England) in the Acquisition International magazine Legal Awards.

## New awards

The Awards are in their ninth year. Awards Coordinator Kaven Cooper said: “Hosting the Legal Awards 2023 has been inspiring. We’ve seen a diverse collection of businesses and individuals which positively contribute to the industry’s vital nature. I want to wish

all of our awardees a sincere congratulations, and all the best for the years to come.”.

The practice has also been recognised in the ACQFIVE Sustainability Awards this year.

The ACQFIVE Sustainability Awards 2024 serves as a spotlight on those acknowledged by

ACQFIVE readers as industry leaders.



James Towler

## Quizzing fun

McCormicks entered a team for the Harrogate Young Professionals Christmas quiz recently.

The event, at the Yorkshire Hotel, was hosted jointly by Cardale Asset Management and LCF Law and enjoyed by all.

The team, made up of David Leuchars, Reena Patel, Hayley Firth,

Sophie Hussain and Regan Seminario, held their own against tough competition and Regan’s luck was in when she won the raffle!



Regan with her prize



The team, from left to right, of Hayley Firth, Sophie Hussain, David Leuchars, Reena Patel and Regan Seminario

### CONTENTS

P3 Vicarious liability?

P5 Out of hours  
P6 Superstars all

There can be unseen pitfalls for employers to beware of and vicarious liability is one of them. Our Head of Employment, Senior Associate Iain Jenkins, spells out the dangers.

# Vicarious liability

Employers might find it strange that they could be liable for the acts of an employee which were well outside the terms of a job description, for example, where a third party suffers injury or harm as a result of an assault. This is known as vicarious liability and it has been looked at again in a recent Court of Appeal (CA) decision.

In *MXX versus a secondary school*, the Court held that a secondary school was not vicariously liable for the act of a sexual assault committed against a 13-year-old pupil at the school by a student training to be a PE Teacher who was on a one-week Work Experience Placement (WEP).

PXM was an 18-year-old college student who wanted to qualify and as part of this process he undertook

a WEP with the school during February 2014. PXM was expected to provide some help with PE lessons and was subject to the school's induction process. During the induction he was told that he would be supervised by a member of staff at all times and taken through the school's policy and procedure documents, including those relating to Safe Working Practices for the Protection of Children. He signed a declaration to the effect that he understood these.

During the WEP there were two occasions when PXM interacted with MXX, a pupil, the first being when he suggested that they attend an after-school badminton club and the second at the club session itself.

Any social media contact between the

two took place only once PXM had left. In August of 2014 PXM committed the assaults of assault and battery and sexual activity against MXX. He was arrested and pleaded guilty. MXX subsequently brought proceedings against the school seeking damages for personal injury as a result of the sexual assault and arguing that the school was vicariously liable for PXM's conduct.

## Decision

The High Court looked at the claim and two significant elements relating to the legal position. It

reasoned that PXM performed minor and ancillary tasks at the school and the relationship was not one of employment or akin to employment.

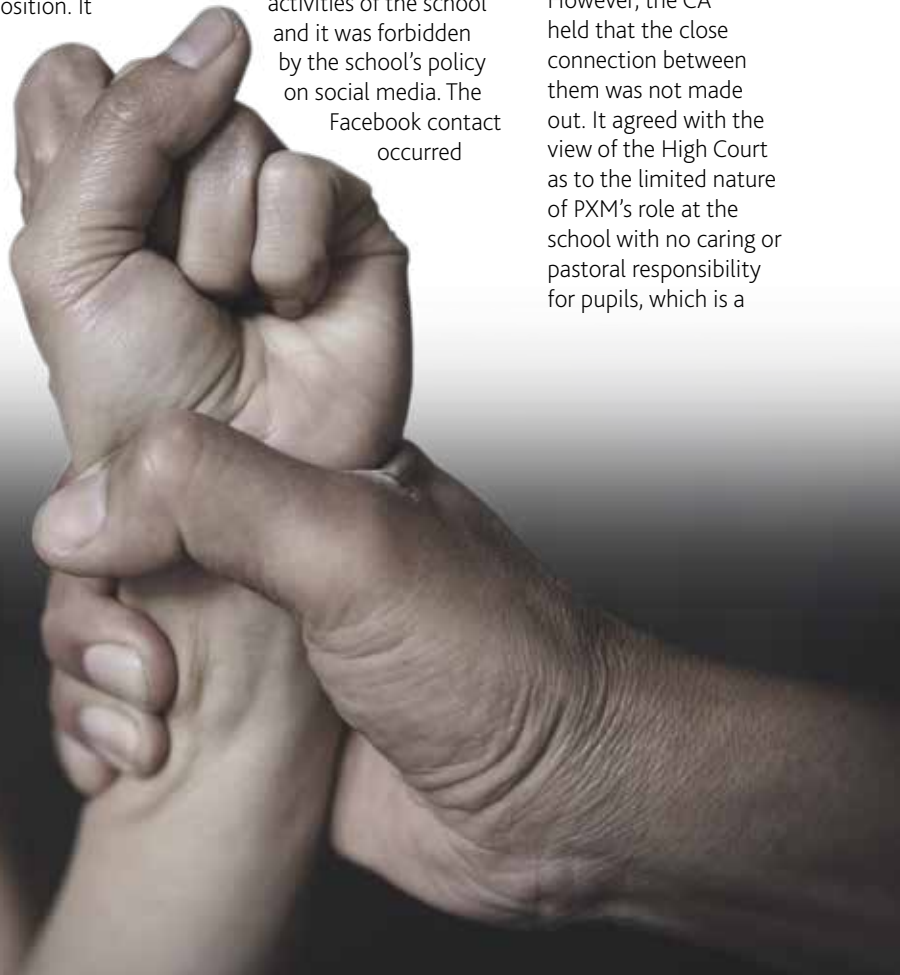
It also held that the wrongdoing of PXM occurred a number of weeks after his relationship with the school had ended and that PXM was closely supervised whilst at the school and had no private access to MXX nor any opportunity for the same. PXM had no caring or pastoral responsibility. The use of Facebook had nothing to do with the activities of the school and it was forbidden by the school's policy on social media. The Facebook contact occurred

once the WEP had terminated.

## Court of Appeal

The Court of Appeal reversed the first finding of the High Court. There was evidence that PXM's actions during the WEP were effectively the start of the grooming process. It also found that the relationship was akin to employment in that he agreed to adhere to the school's policies and procedures, his time was regulated and he was supervised. There was no evidence to support an assertion that he was carrying on business on his own account.

However, the CA held that the close connection between them was not made out. It agreed with the view of the High Court as to the limited nature of PXM's role at the school with no caring or pastoral responsibility for pupils, which is a



factor which could carry considerable weight in previous cases.

PXM's access to MXX was limited and he was always closely supervised. He had no position of authority over pupils at the school and the communication on social media took place once the WEP had terminated. The grooming which led to the sexual offending was not inextricably woven with the work PXM carried out during his week at the school.

### Takeaway

Businesses should take all appropriate steps to ensure these situations do not arise, or if they do then to ensure that the impact on victims and the business is mitigated. The risk for the business can be mitigated by

ensuring that those who are recruited at whatever level are taken through all policies and procedures and are given training and that they acknowledge that this has taken place and that they have agreed to comply. They should be appropriately supervised.

It is important that policies are kept up to date and that the culture of an organisation is such that there is zero tolerance of any form of harassment. The result of this case could have been different for the school if it had not paid the attention it did to induction, supervision and the extent of the role to be undertaken by PXM.

Insurances should be checked regularly for the appropriate cover.

## Senior Associate Iain Jenkins is our Head of Employment

Iain advises on all areas of contentious and non-contentious employment matters including:

- Settlement agreements and negotiated exits
- Directors and boardroom disputes
- Claims for unfair/wrongful dismissal, discrimination and whistleblowing in the Employment Tribunal
- Drafting and negotiating contracts of employment and service agreements
- Advising on grievance and disciplinary matters and the termination of employment

- TUPE advice and advising on employment aspects of corporate and property transactions
- Advising on the implementation and enforcement of restrictive covenants and confidentiality obligations
- Trade union issues, redundancy and restructuring
- Partnership matters and disputes

He has advised businesses across a range of sectors including tech, manufacturing, financial services, recruitment, transport and logistics and health and social care.

Iain is a CEDR accredited mediator and an accredited workplace mediator. He can also be instructed as an independent investigator in relation to employment issues. He also advises on GDPR and Data Protection matters in employment and commercial work, including compliance and data breaches.



Iain Jenkins

Katy Maskell-Edwards is a Senior Associate in our Residential Property Department and has a wealth of experience in property, working primarily in private practice on behalf of individuals and companies.

# Out of hours

She is an active member of Orca and Yorkshire Wildlife Trust and, as can be seen below, would love to spend more time with turtles, elephants and humpback whales!

### Other than the law, what would your dream career be?

My career would still be in Law, but I would want to work on behalf of vulnerable people to ensure they receive a fair hearing in the Criminal Justice System. Otherwise, I would be a Conservationist and help the natural world as I think animal and plant preservation is important. Maybe be another Sir David and really understand



Katy winds down in the company of alpaca Brenda on a group walk

the eco system of the planet and why we need to preserve rather than destroy the world. So many wild animal species are in danger because of man's greed.

### If you could win any sporting trophy or title, what would it be and why?

Showjumping at Wembley

### Where is your favourite place in Yorkshire and why?

Carlton Towers because I can have afternoon tea there.

### If you could choose your last meal in advance, what would it be?

Indian Madras.

### What is the best piece of advice you have ever been given?

Get a career behind you.

### If you suddenly came into a significant amount of money, what would your first five purchases be?

- I would go to New Zealand and visit my cousin.
- Go to Greece and



A feeding Humpback whale

volunteer with the Turtle Conservation group.

- Go to Africa and help the Elephant Conservation Society.
- A humpback whale watching expedition to Vancouver as I would love to see these graceful mammals in real life.

- Give the rest of the money to my children.

### What do you do to wind down after a busy day in the office?

Watch drama.

### What is your favourite season of the year and why?

Spring – new shoots, new beginnings.

Outstanding talent and incredible courage were the hallmarks of the winners at 29th Yorkshire Young Achievers Awards, of which McCormicks Solicitors is the main sponsor.

# Superstars shine at awards

Halifax twins who have regular roles in leading soap Coronation Street, an up-and-coming Leeds United footballer and a blind pianist were among the youngsters presented with trophies in front of more than 350 people at Leeds United's Centenary Pavilion.

The Awards mark the achievements of young people in seven categories, from the Arts to Sport. Organised by the Yorkshire Young Achievers Foundation, the annual event has now raised more than £1.3m to support young people in Yorkshire. An eighth Award is made to a Foundation supporter.

Chairman of the Awards Peter McCormick OBE said: "Every year we are astonished, inspired and, frequently, moved to tears by the amazing stories of our winners whose achievements underline the depth and breadth of the quality of the young people in our region.

"None of this would be possible without the support of our sponsors and our guests, many of whom have been with us almost since the beginning, and I am very proud that with their help, we were able to continue our grants programme which helps young people across Yorkshire to reach their full potential."



The joint Personality of the Year winners, Isabella and William Flanagan, receive their trophy from Simon Mackaness of sponsors Rudding Park.

## The full line up of winners was:

### Personality of the Year, sponsored by Rudding Park

#### Isabella and William Flanagan, 12, of Halifax

Twelve-year-old twins Isabella and William are known to millions across the UK for their roles in Coronation Street where they play cousins.

They joined the popular soap in 2017 when they were aged just six. A producer who

had previously worked with their big sister and previous Award winner Amelia on Emmerdale felt that one of them would be suitable for a role in Coronation Street and, after a successful audition, the die was cast. Just weeks later, another role became available and the producer felt that keeping it in the family might be the way forward.

Six years on, both have become established characters and have now even appeared in theatre

with fellow star Maureen Lipman.

### Achievement in Sport, sponsored by Leeds United Football Club

#### Archie Gray, 17, of Harrogate

Archie is a rising star at Leeds United who is firmly following in his family's footsteps and now playing regular first team football.

Archie's father, Andy, grandfather, Frank, and great uncle, Eddie, all played for Leeds where he has been showing his



Leeds legend Eddie Gray accepted the Achievement in Sport Award on behalf of his nephew, Archie, from another Leeds legend, Gary McAllister.

great skills as part of the first team at the age of just 17.

Archie was unable to attend the Awards, having been called up for the England Elite League squad but his great uncle Eddie was on hand to receive the trophy on his behalf from another Leeds legend, Gary McAllister.

Archie joined the club at under-9 level and progressed rapidly through the academy, with agreement being reach with his school to allow him to miss classes to train with the first team.

**Youngster of the Year, sponsored by Nabarro McAllister**

**Eden Smith, eight, of Holmfirth**

Eden was diagnosed with neuroblastoma and a large tumour was found in her stomach when she was just six. She immediately began 80 days of chemotherapy and had a bone marrow transplant.

It took nine hours to remove the tumour. Despite the chemotherapy, doctors were not entirely happy with her progress so she then moved on to another lengthy round

of high-dose chemo, including 30 days where she had to be completely isolated, her stem cells were harvested and she then went through ten rounds of radiotherapy.

Since then she has been part of a clinical trial of a vaccine in New York, making four trips to the US so far, with another due next month. This has been possible through a marathon fundraising effort by our winner herself, her family and the community in Holmfirth, raising more than £500,000.



The Youngster of the Year, Eden Smith, receives her award from Simon Nabarro of sponsors Nabarro McAllister.

Her own efforts, while still in the throes of treatment, included planning to walk four miles of a sponsored walk but she actually completed 14. And her hometown turned pink to mark her birthday with a host of fundraising initiatives throughout the community.

**Achievement in the Arts, sponsored by Mary and Jeremy Carter**

**Lucy the pianist, 13, from Brighouse**

Lucy came to the attention of the public this year when she won Channel 4's The Piano aged just 13, having overcome a series of physical challenges.

She is completely blind and has a chromosome 16 duplication, a rare condition affecting mental health with autism traits and affecting overall communication. She is hypermobile and suffers with cyclical vomiting syndrome. She is in remission from bilateral retinoblastoma and is globally developmentally delayed.

Lucy was diagnosed with bilateral retinoblastoma when she was just nine months old, and her family were told she was blind. It soon became apparent that she was incredibly musical and, while still too young to go to school, she could play a song on a

keyboard after hearing it just once.

The Piano saw her leave bystanders in tears as she performed on a keyboard at Leeds Railway Station. She also gave a stunning performance of Debussy's Arabesque No1 in front of 2,000 people at the Royal Festival Hall.

The young pianist was then invited to perform at King Charles's Coronation Concert at Windsor Castle, where she played a note perfect performance in front of 18 million people.

Lucy has just started recording her very own album of therapy music which will be released next year.



Achievement in the Arts winner Lucy and her mother, Candice, receive her award from sponsor Mary Carter.



Achievement in Management and Enterprise winner Stacey Burrows receives her award from Jan Fletcher OBE of sponsors CHR Estates

**Achievement in Management and Enterprise, sponsored by CHR Estates**

**Stacey Burrows of Esholt, Bradford**

Stacey has built up an amazing business, celebrating its tenth anniversary this year, that has changed the lives of hundreds of young people across our region.

A public speaking course, designed to boost her confidence while working as a barrister, set her off on a whole new track.

She realised the same lack of confidence she had suffered from also affected many youngsters and, driven by her enjoyment of working with young people, she set up a business offering drama and speech to enable children to reach their full potential.

This proved so successful she quit her job as a barrister and set about growing the business, forming Articulate Speech, Drama and Casting in 2013. It now has ten full-time office staff and eight teachers covering venues in West, South and North Yorkshire.

She has developed extensive relationships with production companies to ensure the children in Articulate can access the best possible opportunities in film and television, with some of Articulate's youngsters appearing in productions including *The Railway Children Return*, *The Duke*, *All Creatures Great and Small*, *Gentleman Jack*, *Last Tango in Halifax*, *CBBC's Biff and Chip* and *Emmerdale*!

She now aims to work with underprivileged young people across the region through subsidised courses to ensure they can reveal the same potential as their peers.



Achievement in Education Award winner Iqra Tabassum, centre, with sponsors Dave Riley and Sarah Barry from Harrogate Town.

**Achievement in Education, sponsored by Harrogate Town**

**Iqra Tabassum of Bradford**

Iqra has made an amazing success of her job, despite the fact that it is not what she envisaged when she set out on her career path.

She grew up in Bradford and originally planned to study biomedical engineering. She was offered a university place but suffered some health issues so, with the help of a personal academic

tutor, who she describes as "inspirational", she re-evaluated her options and chose to study civil and structural engineering at the University of Bradford.

Throughout her course, she was passionate about student representation, tutoring students with dyslexia, Ehlers-Danlos syndrome and autism in addition to her own studies.

She is now Education Officer for the University of Bradford and was described in her nomination as

exhibiting "exceptional leadership, innovative thinking and an unyielding commitment to enhancing the educational experience of every student at the University".

Her initiatives have included numerous successful events, including a Qawwali concert, student newsletters and surveys and involvement in external projects such as meeting the Kashmir Board of Investors to promote opportunities for women in STEM and her involvement in the

Muslim women's art research project.

**Unsung Hero, sponsored by Jamboree Entertainment**

**Owen Jeffers, 19, of Sherburn-in-Elmet**

Owen had been enjoying a night out in York with friends in June when they noticed a man behaving oddly on Ouse Bridge near the city centre. As they watched, the man climbed on to the bridge parapet and stood up.

The teenager was concerned that the man was going to jump and walked back to the centre of the bridge to ask if he was safe. The man was very dismissive at first but as his actions became increasingly worrying, Owen knew he had to intervene.

The distressed man eventually agreed to come down from the wall if Owen took his hand, which was a particularly terrifying moment for him as he did not know if he might get pulled into the river himself.

Owen continued to talk to the man before surreptitiously signalling to a passing police van



The Unsung Hero Award was presented to Owen Jeffers by Liz Green on behalf of sponsors Jamboree Entertainment.



The Special Award was received on Mike Riley's behalf by Andy Hughes from Peter Gilman of sponsors GMI Property.



that help was required. Two officers returned on foot five minutes later and Owen was able to confirm the need for assistance without alerting the distressed man.

One of the officers then took over the care of the man while Owen briefed the other on exactly what had happened, and the police were able to take the man away to safety.

**Special Award, sponsored by GMI Property**

**Mike Riley of Harrogate**

While the awards are primarily for young people, the Special Award recognises the contribution of supporters.

Mike Riley walked 206 miles from St Bees in Cumbria to Robin Hood's Bay in North Yorkshire, via England's highest peak of Scafell over 14 days to raise a massive £4,000 for the Foundation.

He is a long-term supporter of the Awards and is, until the end of the season, head of Professional Game Match Officials Limited (PGMOL), the body responsible for match officials in England. He has led the organisation for 13 years, overseeing the development of match officials in the Premier League, FA, EFL and National League competitions and more recently the Women's Super League.

His walk was not without incident. A fall on Scafell led to a trip to A&E where he was treated for an injury to his elbow, a badly-sprained wrist and facial injuries.

It was not the first time he has supported the Foundation as he was also part of PGMOL's Whistlestop Tour by bicycle of every Premier League club in the country.



Karen and Ian Stansfield



David Leuchars, Laura Warburton, Brian Nuttney and Sonia Jones



Michelle Harris, Stacey Burrows, Steve Tighe, Ann Tighe and Kirsty Armstrong



Christine Talbot and Duncan Wood



Vice Chairman Richard Stroud and guests



Michelle Gwynne, Sharon Magson and Zoe Miller



Shaun and Austin Haynes



Jan and Michael Waterfall



George Scaife, Lucy Millington and Hue Drinkwater



Kathryn McCormick and James and Fiona Towler



Liz Green, Julie Moody, Jonathan White and Kathryn Apanowicz



Louise and Iain Jenkins, Fiona Movley, Simon and Candy Theakston



Elizabeth and Neil Scott



Harmesh Kaur, Nirmal Singh, Gill Arnold, Aniv Sharif, Vicky Reynolds, Dr Manoj Joshi and Bhavna Joshi



Jacob, Delton and Rachel Brailsford, Caroline Hudson, Rebecca Cochran and Tracey Moore



Dally Kaur, Sam Chana and Lealan Daly



Katy Maskell-Edwards, Reena Patel, Hayley Firth, Sonia Jones, Sophie Hussain, Regan and Derek Seminario

## OUR EXPERTISE



McCormicks offers the full portfolio of legal services to all forms of organisation including businesses, charities and sporting bodies, together with private individuals. The firm offers expertise in all areas of corporate and commercial work whilst maintaining a commitment to the personal client in areas such as rural property, tax, Trusts, probate, family matters and crime.

### ■ Charities & Community

- Charities
- Not For Profit

### ■ Corporate & Commercial

- Acquisitions and Disposals
- Banking and Finance
- Commercial Agreements
- Competition and EU Law
- Corporate Crime, Fraud and Risk

- IT and Data Protection
- Insolvency and Bankruptcy
- Intellectual Property
- Partnership and Company Law
- Regulatory and Disciplinary

### ■ Crime

- General Crime
- Corporate Crime, Fraud and Risk
- Dispute Resolution and Litigation
- Commercial Disputes
- Mediation and Arbitration
- Partner/Shareholder Disputes
- Property and Construction
- Reputation Management

### ■ Employment Family & Matrimonial

- Children
- Matrimonial

### ■ Insolvency & Bankruptcy

### ■ Mediation & Arbitration

### ■ Property

- Agriculture and Estates
- Commercial Property
- Development and Regeneration
- Residential Property

### ■ Sport, Media & Entertainment

- Employment
- IT and Data Protection
- Insolvency and Bankruptcy
- Intellectual Property
- Media and Entertainment
- Mediation and Arbitration
- Regulatory and Disciplinary
- Reputation Management
- Sponsorship
- Sport

### ■ Tax, Trusts, Wills & Estates

- Agriculture & Estates
- Care of the Elderly
- Tax and Trusts Disputes
- Trust and Tax Planning
- Wills and Probate

#### McCORMICKS SOLICITORS

Wharfedale House, 35-37 East Parade,  
Harrogate, North Yorkshire, HG1 5LQ.  
T: 01423 530630 F: 01423 530709  
enquiries@mccormicks-solicitors.com  
www.mccormicks-solicitors.com

**PARTNERS:** Peter McCormick OBE  
Stephen Hopwood  
Peter Minnikin  
David Birks  
Elaine Lightfoot  
James Towler

